

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IN RE	§	CASE NO. 14-70468
	§	
Ricardo Casanova	§	
Christina Casanova	§	
Debtors	§	

**OBJECTION TO THE NOTICE OF MORTGAGE PAYMENT CHANGE AND
REQUEST FOR HEARING ON MARCH 22, 2018 (Refers to Docket # 53)**

This is an objection to your claim. The objecting party is asking the court to disallow the claim that you filed in this bankruptcy case. You should immediately contact the objecting party to resolve the dispute. If you do not reach an agreement, you must file a response to this objection and send a copy of your response to the objecting party within 30 days after the objection was served on you. Your response must state why the objection is not valid. If you do not file a response within 30 days after the objection was served on you, your claim may be disallowed without a hearing.

A HEARING WILL BE HELD ON THIS MATTER ON March 22, 2018 AT 9:00 A.M. IN THE U.S. BANKRUPTCY COURT 10TH FLOOR, 1701 W. BUS. 83 MCALLEN, TEXAS 78501.

TO THE HONORABLE BANKRUPTCY JUDGE:

Ricardo & Christina Casanova ("Debtors") file this Objection to the *Notice of Mortgage Payment Change* ("Notice") filed by BSI Financial Services, on December 11, 2017, [Docket # 53] and in support would respectfully show the following:

1. Debtors filed for bankruptcy on August 27, 2014. The Debtors' Chapter 13 Plan was confirmed by Order of the Court on November 13, 2014.
2. BSI Financial Services, filed a Notice of Mortgage Payment Change ("Notice" - Doc. # 53), which provides for an increase in the escrow from \$161.25 per month to \$1,053.21 per month.
3. The Notice has attachments that indicate the change in payment is due to a deficiency in the escrow balance specifically listing a negative balance of \$9,404.11 and the mortgage company refuses to provide proof of the shortage.

The debtors believes per the attached (Exhibit A) escrow analysis that there is no shortage as of December 2017. The Mortgage Company has not and refuses to itemize all fees expenses and charges therefore failing to comply with Federal Rule of Bankruptcy Procedure 3002.1(c).

4. Bankruptcy Rule 3002.1(c) requires BSI Financial Services, to file a Notice of Post-Petition Fees and Expenses within 180 days of incurring fees and expenses. Bankruptcy Rule 3002.1 further specifically provides – at section (i), as follows: FAILURE TO NOTIFY. If the holder of a claim fails to provide any information as required by subdivision (b), (c), or (g) of this rule, the court may, after notice and hearing, take either or both of the following actions: (1) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case, unless the court determines that the failure was substantially justified or is harmless; or (2) award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure. No such Notices were filed.
5. The Chapter 13 Trustee notified Debtors' counsel that the plan must provide for the Notice of Mortgage Payment Change because 21 days have not passed since it was filed. Trustee is required by Paragraph 1 of the confirmed plan to automatically increase the plan payment in accordance with the Notice.
6. BSI Financial Services, Notice of Mortgage Payment Change filed on December 11, 2017 (Doc No. # 53 – Exhibit B) should thus be disallowed.
7. Debtors' counsel attempted to confer by phone on 1/26/2018, with Michelle R. Ghidotti-Gonsalves, authorized agent for BSI Financial Services, at the phone number provided on the Notice of Mortgage payment Change (Doc. #53) in an attempt to avoid litigation and resolve these issues. BSI was unable to answer or return the call to provide proof of the shortage. A return call on 1/27/2018

again produced no results as to any specific charges included in the escrow deficiency.

WHEREFORE PREMISES CONSIDERED, Ricardo & Christina Casanova pray the Notice be disallowed and grant them any and further relief to which they may show themselves justly entitled to receive.

Date: January 31, 2018

Respectfully submitted,

BY: /s/ William A. Csabi
William A. Csabi
Texas Bar No. 24074100
1213 E. Tyler
Harlingen, TX 78550
(956) 412-2727

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE** was served **January 31, 2018** and filed electronically. Service was accomplished by the method and to the following as indicated: BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL, POSTAGE PREPAID:

/s/ William A. Csabi
William A. Csabi

Debtor(s):
Ricardo Casanova
Christina Casanova
710 Huisache St.
La Joya, TX 78560

Chapter 13 Trustee
Cindy Boudloche
555 N. Carancahua, Ste.
Corpus Christi, TX 78475

U.S. Trustee
606 N. Carancahua, Ste. 1107
600 Corpus Christi, TX 78476

Noticed by email:

BSI Financial Services

314 S. Franklin St., 2nd Floor
X 517 P.O. Box 517
Titusville, PA 16354

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